

**OPINIONS AND DECLARATIONS
RENDERED BY THE INTER-
NATIONAL COMMISSION ON
ZOOLOGICAL NOMENCLATURE**

Edited by

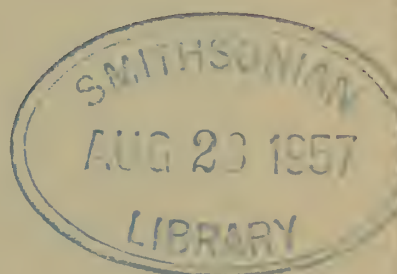
FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 469

Rejection (a) of the generic name *Jumala Friele*, 1882, as a name calculated to give offence on religious grounds, and (b) of the name *Beringius* Dall, 1879, as not having been duly published (Class Gastropoda)



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 469

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Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

OPINION 469

REJECTION (a) OF THE GENERIC NAME "JUMALA" FRIELE, 1882, AS A NAME CALCULATED TO GIVE OFFENCE ON RELIGIOUS GROUNDS, AND (b) OF THE NAME "BERINGIUS" DALL, 1879, AS NOT HAVING BEEN DULY PUBLISHED (CLASS GASTROPODA)

RULING :—(1) Under the Special Procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948, for use in the case of a name calculated to give offence on religious grounds, the under-mentioned generic name is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy :—*Jumala* Friele, 1882 (Class Gastropoda).

(2) It is hereby ruled that the advance distribution in 1879 of copies of plates prepared to illustrate a paper by Dall (W.H.) on the Buccinidae in a projected but never published second volume of the work entitled "Scientific Results of the Exploration of Alaska by the parties under the charge of W. H. Dall during the years 1866—1874" did not constitute publication within the meaning of Article 25 of the *Règles*.

(3) The name *Beringius* Dall, 1879, which appeared on plate 2 of the series of plates referred to in (2) above is under the Ruling there given hereby rejected as possessing no status under either the Law of Priority or the Law of Homonymy.

(4) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* with the Name Number 1082 :—

Beringius Dall, 1886 (gender : masculine) (type species, by monotypy : *Chrysodomus crebricostatus* Dall, 1877).

(5) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

(a) *crebricostatus* Dall, 1877, as published in the combination *Chrysodomus crebricostatus* (specific name of type species of *Beringius* Dall, 1886) (Name No. 1161) ;

(b) *turtoni* Bean, 1834, as published in the combination *Fusus turtoni* (Name No. 1162).

(6) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* with the Name Numbers severally specified below :—

(a) *Jumala* Friele, 1882, as suppressed under (1) above (Name No. 885) ;

(b) *Beringius* Dall, 1879, as rejected under (3) above as a name not having been duly published) (Name No. 886).

(7) The under-mentioned entry is hereby made on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* with the Title Number 46 :—

Dall (W.H.), 1879, plates prepared to illustrate a paper on Buccinidae in the projected but never published second volume of the work specified

in (2) above (plates distributed in 1879 but rejected under (2) above as not having been duly published for the purposes of Article 25 of the *Règles*).

I. THE STATEMENT OF THE CASE

On 30th May 1947 Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) addressed a communication to the Office of the Commission in which he expressed the view that it was desirable that the International Commission on Zoological Nomenclature should suppress the generic name *Jumala* Friele, 1882 (Class Gastropoda) in view of the fact that the word of which this name consists was "the name of the Creator in the language of the Lapps". At that time action in the foregoing sense would have fallen outside the scope of the Plenary Powers granted to the Commission by the Ninth International Congress of Zoology, Monaco, 1913. In 1948, however, the Thirteenth International Congress of Zoology, Paris, 1948, imposed upon the Commission the duty of suppressing in certain circumstances a name placed before it by specialists with a request for such suppression on the ground that it consisted of a word calculated to give offence on religious and certain other specified grounds. The decision so taken by the Congress was published in 1950 (*Bull. zool. Nomencl.* 4 : 193—194) and on 20th November 1952 Dr. A. Myra Keen (*Stanford University, Stanford, California, U.S.A.*) submitted a preliminary proposal for the suppression of the generic name *Jumala* Friele under the foregoing decision by the Paris Congress. It was not possible to make any progress in regard to this case in 1953 owing to the preoccupation of the Office of the Commission with matters connected with the meetings of the Colloquium on Zoological Nomenclature of the International Commission held at Copenhagen in that year. In the summer of 1954 the Secretary entered into correspondence in regard to this case both with Dr. Joshua L. Baily and with Dr. Myra Keen. This led to the submission by both these specialists

of renewed applications for the suppression of the generic name *Jumala* Friele.

2. The application submitted by Dr. Joshua L. Baily, Jr., which was dated 30th October 1954, was as follows :—

Request for the suppression of the generic name “ Jumala ” Friele, 1882 (Class Gastropoda) on the ground that it consists of a word, the use of which as such is calculated to give offence on religious grounds

By JOSHUA L. BAILY, Jr.

(*San Diego, California, U.S.A.*)

The object of the present application is to ask the International Commission to suppress the generic name *Jumala* Friele, 1882, on the ground that this word, being the Lapp word for the Christian God, is calculated to give offence on religious grounds.

2. This name was proposed in good faith by Friele in “ Norwegian North Atlantic Expedition ”, vol. 1, p. 6. In 1893 this name was, at Friele’s request, replaced in a paper by Norman who published the name *Ukko* as a substitute (*Ann. Mag. nat. Hist.* (6) 12 : 352).

3. Under a strict application of the *Règles* a name once published cannot be rejected, no matter how inappropriate it may be, even by the author himself. That *Jumala* has legal priority there can be no doubt whatever, but in this case it appears that Friele had a good reason for wishing to withdraw the earlier name. Friele did not know when he selected this word for his generic name that it was the name of the Creator in the language of the Lapps.

4. The use of such a name in zoological nomenclature is a painful shock to me. I cannot conceive that the Commission would accept a generic name consisting of the word Jehovah, and the fact that the language of the Lapps is not commonly understood by scientific men is to my mind no reason for letting the name *Jumala* stand.

5. If the name *Jumala* is suppressed for this genus of rachiglossate Gastropoda, there is another available name older than *Ukko* Norman, and that is *Beringius* Dall, 1886 (not 1879, as sometimes cited). Some authorities believe that the type species of *Beringius* and *Ukko* are congeneric and synonymize the two names ; others believe that *Ukko* is at least subgenerically distinct and use it as the name for a subgenus under *Beringius*, while still other believe that the two type species have distinct generic affiliations. But such matters are only of taxonomic interest and have no nomenclatorial significance.

6. The present application was originally submitted to the Commission in May 1947, that is, before the Thirteenth International Congress of Zoology imposed the duty on the Commission (1) of placing on the *Official List of Generic Names in Zoology* the valid name for any genus, whenever some older name for that genus is suppressed under the Plenary Powers, and (2) of putting on the various *Official Lists* and *Official Indexes*—of which the *Official List of Generic Names* was the only one in existence prior to 1948—every name which it accepts as valid or rejects as invalid in any of its *Opinions*. In the altered circumstances I have revised the present application in order to bring it into line with the requirements prescribed by the International Congress. I accordingly now ask the Commission (1) to suppress, as a name calculated to give offence on religious grounds, the name *Jumala Friele*, 1882, for the purposes of the Law of Priority but not for those of the Law of Homonymy; (2) to place the foregoing name, so suppressed, on the *Official Index of Rejected and Invalid Generic Names in Zoology*; (3) to place on the *Official List of Generic Names in Zoology* the generic name *Beringius* Dall, 1886 (gender: masculine) (type species, by monotypy: *Chrysodomus crebricostatus* Dall, 1877); (4) to place the specific name *crebricostatus* Dall, 1877, as published in the combination *Chrysodomus crebricostatus* (specific name of type species of *Beringius* Dall, 1886) on the *Official List of Specific Names in Zoology*.

7. May I add that it was with the greatest satisfaction that I learnt of the decision of the Paris Congress to provide means for the rejection of zoological names calculated to give offence on religious grounds (1950, *Bull. zool. Nomencl.* 4: 193—194), a decision which fully endorsed the stand taken on the question of principle in the present application. I feel sure that the decision by the Congress to ban the use of such names will give wide and deepfelt satisfaction among zoologists generally.

3. The application submitted by Dr. A Myra Keen, which was dated 31st October 1955, was as follows:—

Request for the suppression of the generic name “Jumala” Friele, 1882 (Class Gastropoda) as a name calculated to give offence on religious grounds

By A. MYRA KEEN

(*Stanford University, California*)

The object of the present petition is to show that *Jumala Friele*, 1882, comes within the scope of the decision taken by the International

Congress of Zoology on the recommendation by the Commission (1950, *Bull. zool. Nomencl.* 4 : 193—194) that :—

The use for a generic or subgeneric name . . . of a word . . . which can reasonably be regarded, in any language, as calculated to give offence on political, religious or personal grounds is prohibited . . .

It shall be open to any person . . . of the opinion that a given name has been published in contravention of the provisions of the present Article to refer the question to the International Commission on Zoological Nomenclature, and it shall be the duty of the said Commission promptly to consider every case so submitted to it, and, if satisfied that the submission is well-grounded, to order the name concerned to be suppressed.

2. The name *Jumala* was proposed by Friele (*Norske Nordhavs-Expd., Zoologi* [Norwegian North Atlantic Expedition, 1876—1878] 3(8) : 6) for certain boreal whelks with a peculiar radular structure (type species, *Fusus turtoni* Bean, 1834, *Mag. nat. Hist.* 7 : 493). He stated that he had chosen the name as being that “ of a Lapp deity ”. Later, Friele realised that this was not, as he had apparently supposed, a pagan name, but the Lapp (i.e. the Finnish) word for the Christian Deity. Through a colleague he asked that the name be withdrawn and replaced by *Ukko* Friele in Norman, 1893 (*Ann. Mag. nat. Hist.* (6) 12 : 352). However, this replacement was needless, for by then another name, *Beringius* Dall, had been introduced for a North Pacific gastropod having the same structural peculiarity. The date of *Beringius* presents something of a problem, however.

3. In the two most recent complete compilations of generic names (Schulze, Kükenthal, and Heider, 1926, *Nomenclator Animalium Generum et Subgenerum* ; and Neave, 1939, *Nomenclator Zoologicus*), the name *Beringius* Dall is cited as follows : “ Dall, 1879. *Sci. Res. Explor. Alaska* (Buccin.) expl. pl. 2, fig. 1 ”. Of this reference Dall himself has said (Dall, 1886, *Proc. U.S. nat. Mus.* 9 : 304) :—

In 1879 there were distributed to all persons known to be interested in northern mollusks a set of plates belonging to my report (unavoidably delayed in MSS.) on the Buccinidae of the Alaskan fauna, some fifty copies in all, properly lettered with the name of the species by the engraver. I had found on dissection that the rhachidian tooth of the radula in *Chrysodomus crebricostatus* Dall (1877) was smooth and flat . . ., and intercalated in the legend of the plate the subgeneric name *Beringius* for this species . . . Subsequently my friend, Mr. Friele . . . discovered the same peculiarity in *Fusus turtoni*, which he accordingly separated under the name of *Jumala*.

Now, I am far from claiming that if the other characters coincide, *Beringius* should take precedence of *Jumala*; on the contrary, I believe it should not, and that Mr. Friele's name should stand.

4. Thus in 1886, while not arguing for the priority of *Beringius*, Dall nevertheless validly introduced it with a brief description and designation of a type species. Later, when the unfortunate denotation of *Jumala* became known, he reversed his opinion and recommended adoption of the earlier dating of *Beringius* as of 1879. He suggested this in 1895 (*Proc. U.S. nat. Mus.* 17 : 710) not so much to establish priority for his own generic name as to provide a convenient and quasi-legal means of removing an offensive name from usage. The reference as cited by him at that time—"Sci. Res. Expl. Alaska, 1879, pl. 11, legend"—has been accepted in good faith not only by the compilers of the two nomenclators mentioned above but also by numerous authors (see, for example, Thiel's monumental "Handbuch de Systematischen Weichtierkunde", Teil 1 : 306, 1929), although it is not listed in the "Bibliography and short biographical sketch of William Healey Dall" of Bartsch, Rehder, and Shields (1946, *Smithsonian misc. Coll.* 104).

5. In the passage published in 1886 quoted in paragraph 3 above Dall referred to the delay which had occurred in the publication of the text of his account of the Buccinidae of the Alaskan fauna on one of the plates for which, distributed in 1879, the generic name *Beringius* first appeared. The "Scientific Results of the Exploration by the parties under the charge of W. H. Dall during the years 1865—1874", volume 2 of which was designed for the publication of Dall's paper on the Buccinidae is stated by one compiler to be "A uniformly paged reprint of papers by Dall and others on various topics". Dall himself cited the date 1876—1879. In the five papers of this series in the Stanford library the above title is carried as a running title on the reprints. These papers are not bound together as a volume but their dates embrace those (1876—1879) cited by Dall. Hence, I assume that volume 2 was a project not realised except for the issuance of the finished plates for Dall's paper on the Buccinidae. This conclusion is strengthened by the fact that the *Catalogue of Books and Maps in the British Museum (Natural History)* (1 : 415), while giving particulars of the six papers published as "Vol. 1", carries no suggestion that a second volume was ever published. The list of papers given for "Vol. 1" includes none on Buccinidae.

6. A word of explanation is necessary as to the original reference for the nominal species *Chrysodomus crebricostatus* Dall which is the type species of *Beringius* Dall, whether that generic name is accepted as from the legend on the plate distributed in 1879 or from the publication of that name in Dall's paper of 1886 (quoted in paragraph 3 above). Dall himself stated that the original reference for the foregoing name

was *Proceedings of the California Academy of Sciences*, vol. 7, p. 6, "extras March 19, 1877". In the Dall bibliography of Bartsch, Rehder & Shields (referred to in paragraph 4 above) the statement is made that the paper in which the description of this species appeared was "published as a separate from Proc. California Acad. Sci., pp. 1—6, Mar. 19. (Vol. 7 of Proceedings never appeared.)" An author's reprint in the Stanford Library is headed "From the Proceedings of the California Academy of Sciences, March 17, 1877" and is paged 1—6, the description of *Chrysodomus crebricostatus* appearing on page 1. A copy of Volume 7 of the Proceedings, also, in the Stanford Library, is dated as closing in 1876 and contains no such paper by Dall. Hence, I think we must conclude that contrary to Dall's assertion, volume 7 of the Proceedings of the California Academy is not a correct reference but rather that we must treat the foregoing name as having been published in 1877 in a pamphlet by Dall entitled "Preliminary Descriptions of New Species of Mollusks from the Northwest Coast of America" which was prepared as a preprint of a paper destined for, but never actually published in, the Proceedings of the California Academy of Sciences, and that the page to which the name should be attributed is page 1, not page 6 as stated by Dall.

7. In recent years a few workers, aware of the doubtful status of *Beringius* Dall, 1879, and unimpressed by the fact that *Jumala* is currently used among the Christian Finns as the name of the Deity, have readopted *Jumala* Friele, 1882, as prior to *Beringius* Dall, 1886.

8. Neither the name *Jumala* Friele, 1882, nor the name *Beringius* Dall, 1886, has been taken as the base of a family-group name. Accordingly, no problem arises in the present case in connection with the *Official List of Family-Group Names in Zoology*.

9. If, as I hope, the International Commission agrees to suppress the generic name *Jumala* Friele, the question discussed above will become one of practical importance, since the name *Beringius* Dall will then become the oldest available name for this genus of whelk, and it will become essential to know whether this name should be attributed to Dall, 1879, or to Dall, 1886. It might perhaps be argued that this name was validly published in 1879 in that Dall implied, in the discussion quoted above, that copies of the plates illustrating his paper were made available to members of the interested public and were not merely issued, as the critics of this view have averred, to his personal friends. On the whole, it appears to me that such an argument would be unduly casuistical and would involve a strained interpretation of the provisions of Article 25 relating to "publication". Accordingly, it is suggested that the Commission should rule that the distribution in 1879 of copies of the plates prepared to illustrate Dall's projected paper on the Buccinidae did not constitute the "publication" of

those plates and therefore that the name *Beringius* Dall, as it appeared on the legend of the plate bearing the number " pl. 2 " possesses no status in nomenclature. It is recognised that this course will cause some inconvenience, for the attribution of the name *Beringius* to the foregoing plate has become deeply embedded in the literature, but it is felt that the Commission would be unlikely to take the view that this would constitute a sufficient reason for the use of its Plenary Powers for the purpose of validating the name *Beringius* as from the distribution of these plates in 1879. This suggestion is, however, here advanced in order to provide an opportunity to specialists during the six-month period following the publication of the present application in the *Bulletin of Zoological Nomenclature* to express an opinion on the relative advantages of the alternative courses.

ALTERNATIVE PROPOSAL " A "

The International Commission is asked :—

- (1) to suppress, under the Special Procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948, for use in the case of a name calculated to give religious offence, the under-mentioned generic name for the purposes of the Law of Priority but not for those of the Law of Homonymy : *Jumala Friele*, 1882 ;
- (2) to rule (a) that the advance distribution in 1879 of copies of the plates prepared to illustrate a paper by Dall on the Buccinidae in a projected but never published second volume of the *Scientific Results of the Exploration of Alaska by the parties under the charge of W. H. Dall, during the years 1866—1874* did not constitute publication within the meaning of Article 25 of the *Règles* and therefore (b) that the name *Beringius* Dall possesses no status of availability as from the date on which the foregoing plates were so distributed ;
- (3) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology* : *Beringius* Dall, 1886 (gender : masculine) (type species, by monotypy : *Chrysodomus crebricostatus* Dall, 1877) ;
- (4) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *crebricostatus* Dall, 1877, as published in the combination *Chrysodomus crebricostatus* (specific name of type species of *Beringius* Dall, 1886) ;
- (5) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—
 - (a) *Jumala Friele*, 1882 (name suppressed under (1) above) ;
 - (b) *Beringius* Dall, 1879 (name rejected under (2) above).

ALTERNATIVE " B "

The International Commission is asked :—

- (1) (as in (1) in Alternative " A ")—suppression of the name *Jumala Friele*, 1882, as a name calculated to give religious offence ;
- (2) to use its Plenary Powers to validate the name *Beringius* Dall as from 1879 when this name appeared on the legend of a plate numbered " plate 2 ", one of a series of plates prepared to illustrate a paper on Buccinidae distributed to correspondents in advance of the anticipated publication of the text, which would have formed volume 2 of the work entitled *Scientific Results of the exploration of Alaska by the parties under the charge of W. H. Dall, during the years 1866—1874* ;
- (3) to place the under-mentioned generic name on the *Official List of Generic Names in Zoology* : *Beringius* Dall, 1879, as validated under the Plenary Powers under (1)(b) above gender : masculine) (type species by monotypy : *Chrysodomus crebricostatus* Dall, 1877) ;
- (4) to place the under-mentioned specific name on the *Official List of Specific Names in Zoology* : *crebricostatus* Dall, 1877, as published in the combination *Chrysodomus crebricostatus* (specific name of type species of *Beringius* Dall, 1879) ;
- (5) to place the under-mentioned generic names on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—
 - (a) *Jumala* Friele, 1882 (name suppressed under (1) above) ;
 - (b) *Beringius* Dall, 1886 (a junior homonym of *Beringius* Dall, 1879, as validated under the Plenary Powers under (2) above).

II. THE SUBSEQUENT HISTORY OF THE CASE

4. Registration of the applications submitted in the present case : Upon the receipt of Dr. Baily's preliminary communication in 1947 the problem associated with the generic name *Jumala Friele* was allotted the Registered Number Z.N.(S.) 307. When later an application on this subject was received from Dr. Keen,

that application was allotted the Registered Number Z.N.(S.) 726. At the time of the publication of these applications it was judged that it would be more convenient to deal with these applications under a single Registered Number and accordingly Dr. Keen's application and the associated documents were transferred to File Z.N.(S.) 307, the File numbered Z.N.(S.) 726 being thereupon closed.

5. Publication of the applications submitted in the present case :

The applications received in the present case were sent to the printer on 22nd November 1954 and were published in Part 2 of Volume 11 of the *Bulletin of Zoological Nomenclature* on 31st January 1955 (Baily, *Bull. zool. Nomencl.* **11** : 59—60 ; Keen, *ibid.* **11** : 61—65).

6. Issue of Public Notices : Public Notice of the proposed suppression under the procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 193—194) of the generic name *Jumala Friele* on the ground that the use of this name was calculated to give offence on religious grounds was given on 31st January 1955 in like manner as though the application submitted involved the possible use of the Plenary Powers of the International Commission on Zoological Nomenclature (a) in Part 2 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part containing the applications submitted by Dr. Baily and by Dr. Keen) and (b) to the serial publications *Nature* and *Science*. In addition, such Public Notice was given to four general zoological serials.

7. Comments received : In the period April-June 1955 five communications, of which one was signed by two specialists, were received in the Office of the Commission. In all of these communications support was given for the action proposed in this case. The communications in question are reproduced in the immediately following paragraphs (paragraphs 8—12 below). In August 1955 a communication was addressed to the Office of the Commission by a Norwegian specialist who questioned the accuracy of the premises on which the applications submitted

in this case were based and expressed objection to the action proposed. This communication is reproduced in paragraph 13 below. In view of the criticisms of the foundation on which the applications had been based contained in the foregoing communication an opportunity was afforded to the applicants to comment on the criticisms so advanced. Both Dr. Keen and Dr. Baily availed themselves of the opportunity for reply so afforded and each submitted communications rebutting those criticisms. The communications so received are reproduced in paragraphs 14 and 15 below respectively.

8. Support received from Allyn G. Smith (California Academy of Sciences, San Francisco, California, U.S.A.) : On 25th April 1955 Dr. Allyn G. Smith (*California Academy of Sciences, San Francisco, California, U.S.A.*) addressed the following letter to the Office of the Commission in support of the present case (Smith, 1955, *Bull. zool. Nomencl.* **11** : 267) :—

I have just reviewed the paper (1955, *Bull. zool. Nomencl.* **11** : 61—65) entitled : “ Request for the Suppression of the Generic Name *Jumala Friele*, 1882 . . . ” initiated by Dr. A. Myra Keen, of Stanford University. This request is of particular interest as I have the description in manuscript of a fine new species belonging to this group of mollusca from Puget Sound, Washington.

It seems to me that Dr. Keen’s careful analysis and resulting conclusions are eminently sound and should carry weight with the Commission. Personally, for reasons Dr. Keen has enumerated, I should favor her Alternative Proposal “ A ” rather than her proposal “ B ”. It so happens that this is an independent conclusion—not one that has been discussed with Dr. Keen even though she and I happen to be closely situated geographically.

I sincerely hope the Commission will give prompt and favorable attention to Dr. Keen’s request.

9. Support received from E. P. Chace and E. M. Chace (Natural History Museum, San Diego, California, U.S.A.) : On 10th May 1955 E. P. Chace and E. M. Chace (both of the *Natural History Museum, San Diego, California, U.S.A.*) jointly addressed a letter to the Office of the Commission on a number of cases which

included the present application. The extract from the letter relevant to the present case is as follows :—

We prefer Dr. Keen's Alternative Proposal " A " rejecting as invalid the generic name *Jumala Friele*, 1882, and *Beringius Dall*, 1879, and placing on the *Official List of General Names in Zoology Beringius Dall*, 1886, and on the *Official List of Specific Names in Zoology crebricostatus Dall*, 1877, as published as type species of *Beringius Dall*, 1886.

Dr. Joshua L. Baily's request for the suppression of *Jumala Friele*, 1882, is along the same lines and the above opinion will refer to it also.

10. Support received from William McBlair (San Diego State College, San Diego, California, U.S.A.) : On 19th May 1955 Professor William McBlair (*San Diego State College, San Diego, California, U.S.A.*) addressed the following letter to the Office of the Commission in support of the present application :—

In regard to the item (Commission Reference : Z.N.(S.) 307) may I support Dr. Joshua L. Baily in his request for the suppression of the generic term *Jumala*.

The suppression of this term would certainly be in good taste.

11. Support received from A. C. van Bruggen (Rijksmuseum van Natuurlijke Historie, Leiden, Netherlands) : On 24th May 1955 Dr. A. C. van Bruggen (*Rijksmuseum van Natuurlijke Historie, Leiden, Netherlands*) addressed the following letter of support for the present case to the Office of the Commission :—

Some time ago I received a separate of Dr. A. Myra Keen from the *Bulletin of Zoological Nomenclature*, " Request for the suppression of the generic name *Jumala Friele*, 1882 . . . ". I studied this paper thoroughly and I should like to advise to vote for Alternative Proposal " A " and against Alternative Proposal " B ".

The advance distribution of plates " to all persons known to be interested in northern mollusks . . . , some fifty copies in all . . . " does not constitute publication within the meaning of Article 25 of the *Règles*. This " publication " was not accessible to everybody, friends and enemies of Dall alike. If these plates could be bought by everyone they constituted a real publication (*cf.* Richter, 1948, *Einführung in die Zoologische Nomenclatur*, comments on Art. 25, pp. 140—143). Thus the only valid name is *Beringius Dall*, 1886.

12. Support received from C. O. van Regteren Altena (Rijksmuseum van Natuurlijke Historie, Leiden, Netherlands) : On 13th June 1955 Dr. C. O. van Regteren Altena (*Rijksmuseum van Natuurlijke Historie, Leiden, Netherlands*) addressed the following letter to the Office of the Commission in support of the present case :—

Miss A. Myra Keen has sent me a copy of her "Request for the suppression of the generic name *Jumala*".

A careful study of this well documented request has led me to the conclusion that the actions proposed to be taken by the International Commission on Zoological Nomenclature under Proposal "A" (pp. 64, 65 of Miss Keen's paper) would solve the problem of the use of the generic names *Jumala* Friele, and *Beringius* Dall in the most satisfactory way.

13. Objection on the ground that, contrary to the statements in the application submitted, the word "Jumala" does not refer to the Christian Deity, received from Nils Spjeldnaes (Paleontologist, Paleontologisk Institutt, University of Oslo, Norway) : On 8th August 1955 Dr. Nils Spjeldnaes (*Paleontologisk Institutt, University of Oslo, Norway*) addressed the following letter to the Commission in which he questioned the accuracy of the statements in the applications submitted in this case that the word "Jumala" was the Lapp name for the Christian Deity and expressed his opposition to the action proposed in this case :—

I hope that you will allow me to express my opinion in this case even if I am not a specialist on Gastropoda. I am not in favour of the proposition for the following reasons :—

- (a) The name is a mythical one (Friele, 1882, p. 6, footnote) from the old Lappish religion, which is extinct. In this use (mythological) it is known back to about 1000 B.C. ;
- (b) In 1882, the Finnish language, in which the name might be calculated to give offence, was not in use, neither in administration nor in scientific literature. Friele had therefore no possibility of knowing that his name might give offence ;
- (c) It will lead to severe consequences if a name is suppressed because later linguistic and emotional development make it appear offensive.

Besides these logical arguments, there is also a human one. If Friele's name is suppressed because it is "calculated to give offence on religious grounds", he will be stamped as a blasphemist in an official publication, and in all later scientific papers on the subject. That would be very unjust to the memory of that noble personality, and also to his family.

I have privately asked the opinion of several Norwegian biologists and they have all doubted the necessity and adequacy of the Commission's proposal.

14. Communication received from A. Myra Keen (Stanford University, Stanford, California, U.S.A.) in rebuttal of the criticisms of the accuracy of the premises on which her application in the present case was based, advanced by Dr. Nils Spjeldnaes (University of Oslo) : On 26th August 1955 Dr. A. Myra Keen (*Stanford University, Stanford, California, U.S.A.*), to whom, as one of the applicants in the present case, a copy of the letter received from Dr. Nils Spjeldnaes (*University of Oslo*)—for the text of which see paragraph 13 above—had been communicated by the Secretary, addressed a letter to the Office of the Commission in rebuttal of the criticisms of the statement in her application that the word "Jumala" was the name of the Christian Diety in the language of the Lapps which had been advanced by Dr. Spjeldnaes. The communication so received from Dr. Keen was as follows :—

Thank you for the copy of Nils Spjeldnaes' letter. I must confess, however, that I am not impressed with his reasons. I grant that the name as Friele bestowed it was, as he stated, "The name of a Lappish Diety". However, I do not admit the relevance of his second point. The question is not simply whether at that moment it might give offence but *at any time*. The Finns of the present day do use the word Jumala as their word for God. I know because one sent me a letter a few years ago. The only word I could make out was this one, and when I had the letter translated I realised with a jolt that this matter of religious offence was not, as I had thought, a dead issue. Any religiously-minded Finn who takes up the study of mollusks must be uncomfortable to find himself having to apply the name of the Diety to a shell. I am sure that if I were to find in the Russian literature that someone (even now dead and therefore no longer able to defend himself) had named some supposed new snail-genus "God", I should be under exactly the same obligation to call the attention of the Commission to it as in the present instance. As to Spjeldnaes' human

argument, I think he is in semantic difficulty, not realising that the word "calculated" carries two meanings in English (we might even say that it was not the best choice of a word on the Commission's part). The meaning here is not "intended", as he seems to infer, but "considered". As to implications against Friele's moral character, one has only to point out that he himself authorized Norman to withdraw the name in favour of *Ukko*, which became an unnecessary synonym of *Beringius*.

So much for the "religious" argument. I would much have preferred keeping the issue on other grounds, as by petitioning for the recognition of Dall's often-cited 1879 paper as a publication. This you felt the Commission would be reluctant to grant. Since the issue therefore becomes one of religious implications, I stick to my petition and do not wish it withdrawn.

Re-reading Dr. Spjeldnaes' letter I am struck by the subtleties of nationalism. Friele was a Norwegian. Hence this petition is being interpreted by Norwegians as a slur against him. Such an interpretation never entered my mind, and I should suppose that the clear statement in paragraph 2 of my petition makes it evident that this action is in line with Friele's own subsequent wishes. I am hoping some Finnish workers will write you letters of acclaim !

15. Communications received from Joshua L. Baily, Jr. (San Diego, California, U.S.A.) in rebuttal of the criticisms of the accuracy of the premises on which his application in the present case was based, advanced by Dr. Nils Spjeldnaes (University of Oslo) : On 14th September 1955 Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*), to whom, as one of the applicants, a copy of the letter received from Dr. Nils Spjeldnaes (*University of Oslo*) (reproduced in paragraph 13 above) had been communicated by the Secretary (at the same time that a copy had been sent to Dr. A. Myra Keen, the other applicant (paragraph 14)), addressed a letter to the Office of the Commission in rebuttal of the criticisms of the statement in his application that the word "Jumala" was the Lapp name of the Christian Diety which had been advanced by Dr. Spjeldnaes. On 21st September 1955 Dr. Baily submitted a further supplementary communication on this case. The communications so received were as follows :—

(a) *Letter dated 14th September 1955*

Your secretary, Mr. Hemming, has been kind enough to let me read a letter which he has received from the Norwegian geologist Dr.

Spjeldnaes. In this the latter asked that my petition for the suppression of the name *Jumala* as one that is likely to give offence on religious grounds be denied. *Jumala* is the name of God in the language of the Lapps and also in that of the Finns.

The first point made by Dr. Spjeldnaes is that *Jumala* is the name of a character in Finnish mythology. I can confirm this statement on the authority of the Encyclopedia Britannica. If the use of the name were confined to Finnish mythology and Zoological nomenclature it would be a case parallel to that of the many names from the mythologies of the Mediterranean civilizations which have found their way into zoological nomenclature. No reasonable person would take offence on religious grounds if that were the case.

But that is not the case, although Dr. Friele thought that it was when he proposed the name. *Jumala* is the name of the Christian God, and when Dr. Friele learned this he sought to change the name. This point is the whole crux of the situation, and it is strange that Dr. Spjeldnaes has ignored it entirely. Perhaps he was not aware of the fact.

In order to verify the use of the *Jumala* in this sense I have written to the Finnish Embassy in Washington and the American Bible Society in New York. I have also consulted a friend of mine here in San Diego who is a native of Esthonia and familiar with the Finnish language.

All three of these are agreed that *Jumala* is the name of God in the languages of the Finns and in that of the Lapps, and that in slightly modified forms it is used in the same way in about half a dozen or more related languages. Of course these variant forms need not be considered until someone employs them in zoological nomenclature, but their occurrence shows that the name is one of long standing and that there is no doubt among those who use it as to what it signifies.

Further, the American Bible Society quoted from a booklet which they did not name which is issued by the British and Foreign Bible Society in which the same statement is made.

Dr. Spjeldnaes made another point which perhaps merits consideration, although I myself would not have brought it up. This that the language in which the name is supposed to be offensive is not now used as it was when the name was first published. I must confess that I do not see the relevancy of this statement. Certainly there is no requirement in the rules of zoological nomenclature that the languages from which nomenclatorial terms are derived shall not undergo evolutionary changes. Neither I in the original application nor Dr. Myra Keen in the supplementary one ever made any such claim that the use of language must be like the law of the Medes and Persians "which altereth not".

The Gothic language is completely extinct today except for a fragmentary translation of the scriptures made by Ulfilas in the fourth century. I do not know what the name of God was in this document, but if anyone should resurrect it for scientific nomenclatorial purposes I should say that such use was offensive, despite the fact that no one speaks the language today.

In reality the situation is quite simple. The name of God has in some way gotten into modern scientific language, and this use is offensive to those who have a religious sensitivity. There may be some whose personality is devoid of religious reverence who are not shocked by this use of the name, but I believe that the majority of intellectuals would feel that the name of God should not be used with any other meaning, and this is the only matter which you need to consider in connection with my request.

I hope Dr. Spjeldnaes will pardon me for disagreeing with him.

(b) *Letter dated 21st September 1955*

The Finnish Vice Consul at Los Angeles has also informed me that *Jumala* is the name of God in the language of the Finns as well as in that of the Lapps, and is used in translations of the Bible into both languages.

16. Presentation to the International Commission on Zoological Nomenclature of alternative courses of action in the present case : In the early part of 1956 consideration was given by the Secretary to the question of the method to be adopted in presenting to the International Commission the issues involved in the present case. This question was complicated by the fact that not only was it necessary for the Commission to take a decision on the major issue submitted to it by Dr. Joshua L. Baily, Jr., and by Dr. Myra Keen, namely whether the generic name *Jumala Friele* should be rejected as a name calculated to give offence on religious grounds but also, if it were to approve that proposal, to decide whether the name *Beringius Dall*, which in that event would be the oldest available name for the genus concerned, should be accepted as ranking for priority as from 1879, when it appeared on one of a number of plates distributed by its author to correspondents, or as from 1886 when it was published in a regular manner. The Secretary took the view that what was required was not a single vote on the major issue submitted but rather a series of votes which would enable the Commission to take separate decisions

on the foregoing matters. The procedure so decided upon involved further correspondence with the applicants, for not all of the information now found to be required had been provided in the applications which had been submitted. The additional information required was obtained by the end of February 1956 and on 6th March 1956, Mr. Hemming was able to prepare for the consideration of the Commission a paper in which, after setting out the problems involved and the comments which had been received from specialists, he submitted drafts of the possible Rulings which might be adopted. The first two of these draft Rulings were designed to show the nature of the decision which would result if the Commission were to approve the suggested rejection of the name *Jumala Friele* and if, having done so, it were (i) to accept the name *Beringius Dall* only as from 1886 when it was first published in a regular manner or (ii) to use its Plenary Powers to validate that name as from Dall, 1879. The third of the draft Rulings submitted was based on the assumption that the Commission would decide against the proposed rejection of the name *Jumala Friele* and in favour of the acceptance of the name *Beringius* as from Dall, 1886, it being understood that a negative vote on this last draft Ruling would constitute an affirmative vote in favour of the acceptance of the name *Beringius* as from Dall, 1879, coupled with the acceptance of the name *Jumala Friele* (this latter being a matter on which a decision would already have been taken under the earlier of the proposed votes). The paper so submitted was as follows :—

**Proposed rejection of the generic name “ Jumala ” Friele, 1882 under
the procedure prescribed by the International Congress of Zoology
for the rejection of names calculated to give offence on religious
grounds**

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The present application is the first in which an applicant has sought to invoke the special procedure incorporated into the *Règles* by the Thirteenth International Congress of Zoology, Paris, 1948, under which the International Commission, if satisfied that a given zoological name is calculated to give offence in political, religious or personal grounds, is placed under the obligation to suppress that name under its Plenary Powers (1950, *Bull. zool. Nomencl.* 4 : 193—194).

2. Applications received : In the present case applications have been submitted independently by two specialists, namely Dr. Joshua L. Baily, Jr. (*San Diego, California, U.S.A.*) (1955, *Bull. zool. Nomencl.* **11** : 59—60) ; Dr. A. Myra Keen (*Stanford University, California, U.S.A.*) (1955, *ibid.* **11** : 61—65).

3. Summary of the case : The name involved in the present case is the generic name *Jumala* Friele, 1882 (Class Gastropoda). The facts of this case as explained in the applications submitted are as follows :—

- (a) The nominal genus *Jumala* was established for certain boreal whelks. Friele, when introducing the name, stated that he had chosen it because he thought it convenient to give to this genus a name consisting of a word which was the name “ of a Lapp deity ”.
- (b) Later Friele realised that the word “ *Jumala* ” was not, as he had previously supposed, the name of a pagan deity but was the Lapp (i.e. Finnish) name for the Christian God.
- (c) On making the foregoing discovery, Friele, through a colleague asked that his generic name *Jumala* be withdrawn and replaced by a name (*Ukko*) to which no objection could be taken on religious grounds.
- (d) Friele’s action as described under (c) above is of interest as illustrating his own attitude, but is of no nomenclatorial significance, for the name *Jumala* Friele, having been duly published in 1882, takes priority from that date and nothing can displace it from its position as an available name except action by the International Commission under its Plenary Powers. Such action is asked for by both applicants under the special procedure prescribed by the Paris Congress of 1948, on the ground that in their (the applicants’) opinion, the use of the word “ *Jumala* ” as the name for a zoological genus is calculated to give offence on religious grounds.

4. Comments received : The publication in the *Bulletin of Zoological Nomenclature* of the applications submitted in this case and the issue of the accompanying Public Notices elicited comments from seven specialists of whom six supported the action proposed (paragraph 5 below) and one was opposed to that action (paragraph 6 below).

5. Support received : Support for the suppression of the generic name *Jumala* Friele was received from the following specialists :—

- (a) Allyn G. Smith (*California Academy of Sciences, San Francisco, U.S.A.*) (*Bull. zool. Nomencl.* **11** : 267) ;
- (b) E. P. Chace (*Natural History Museum, San Diego, California, U.S.A.*) ;

- (c) Elsie M. Chace (*Natural History Museum, San Diego, California, U.S.A.*) ;
- (d) A. C. van Bruggen (*Rijksmuseum van Natuurlijke Historie Leiden, The Netherlands*) ;
- (e) William McBlair (*San Diego State College, San Diego, California, U.S.A.*) ;
- (f) C. O. van Regteren Altena (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*).

6. Objection received : The one objection received in this case came from Dr. Nils Spjeldnaes (*Paleontologisk Institutt, Oslo, Norway*). He based his stand on the following grounds : (i) the word "Jumala" was of great antiquity in Lappish mythology, dating back for nearly a thousand years ; (ii) the Finnish language in which he agreed the use of the word as a generic name might be calculated to give offence was not in use for official or scientific purposes at the time when Friele published the name *Jumala* ; (iii) the suppression of the name *Jumala* so published would be an undeserved slur on Friele's memory.

7. Examination of the objection raised by Dr. Spjeldnaes : Upon the receipt of Dr. Spjeldnaes' letter I invited the applicants in this case to furnish comments, for the argument that the suppression of the generic name *Jumala* would cast a slur on the memory of Friele did not appear convincing, since this is exactly the treatment which Friele himself had sought to apply when he realised the meaning of the word which he had chosen as the name for this genus. On the other hand, the argument that the word "Jumala" was primarily one which for many centuries had been applied to a pagan Lappish deity appeared more substantial. The applicants reported that both the Finnish Embassy in Washington and the American Bible Society confirmed the statement made in the original application that the word "Jumala" is the Finnish word for the Christian God. Dr. Baily added that the American Bible Society had reported also that the word "Jumala" was used in the same sense by the British and Foreign Bible Society. From this evidence it seems to be clearly established that, whatever meaning may in former times have attached to the word "Jumala", its current use as the Finnish word for the Christian God is firmly established.

8. Limited character of the principal issue involved in the present case : In view of the duty imposed upon the International Commission by the Paris Congress (paragraph 1 above), the principal issue on which it is necessary that the Commission should now take a decision is extremely limited, being confined to the question whether or not the use of the word "Jumala" as a zoological name is calculated to give offence on religious grounds. Accordingly, this limited question is put to the Commission separately in the first part of the Voting Paper now submitted.

9. Procedure proposed to be adopted for dealing with the questions of detail involved in the present case : If on the principal issue involved in this case the Commission takes the view that the use of the word "Jumala" as a zoological name IS CALCULATED to give offence on religious grounds, it will thereby decide automatically in favour of the suppression of the generic name *Jumala* Friele, 1882. If, however, the Commission takes the view that the use of the word "Jumala" as a zoological name IS NOT CALCULATED to give offence on religious grounds, it will be bound to place the generic name *Jumala* Friele, 1882, on the *Official List of Generic Names in Zoology*.

10. Alternative proposals submitted for consideration in the event of the Commission rejecting the name "Jumala" Friele, 1882, as a name calculated to give offence on religious grounds : As pointed out by Dr. Myra Keen in her original application, it will be necessary for the Commission, if it rejects the name *Jumala* Friele, 1882, as a name calculated to give offence on religious grounds, to choose between (i) rejecting the name *Beringius* Dall, 1879, as not having been validly published for the purposes of Article 25 and (ii) validating that name under its Plenary Powers. Of the specialists who support the present application all six (6) (Allyn G. Smith ; E. P. Chace ; Elsie M. Chace ; A. C. van Bruggen ; W. McBlair ; C. O. van Regteren Altena) are in favour of rejecting the name *Beringius* Dall, 1879, as not being validly published. In the application as published, these two choices were placed before the Commission as Alternative "A" and Alternative "B" respectively (*Bull. zool. Nomencl.* **11** : 64—65). Since the publication of the application, the form of the alternative proposals has been reviewed to take account, as regards Dall's plates for his *Scientific Results*, of the direction given to the Commission by the International Congress of Zoology that rulings given by it in regard to books or parts of books are to be entered in the *Official List* or, as the case may be, the *Official Index* established for this purpose at Copenhagen in 1953. For the convenience of Members of the Commission the two Alternatives referred to above, adjusted in the foregoing respect, are annexed to the present paper. Part 2 of the annexed Voting Paper has been prepared to provide an opportunity for the Members of the Commission to make a choice as between these alternatives.

11. Family-Group-Name Aspect : Dr. Myra Keen informs me that neither the name *Jumala* Friele nor the name *Beringius* Dall has been taken as the base for a family-group name. She adds that the genus concerned is currently placed in the family NEPTUNEIDAE.

12. Action which would be called for in the event of the Commission being of the opinion that the word "Jumala", if used as a zoological name, is not calculated to give offence on religious grounds : If the Commission were to take the view that the use of the name "Jumala" as a zoological name was not calculated to give offence on religious

grounds, that is, if it were to reject the application submitted in this case, it would be necessary for the Commission to place the generic name *Jumala Friele* on the *Official List of Generic Names in Zoology* and to take such other supplementary action as might be required. This aspect of the question was not dealt with in the application submitted in this case but I have since been in communication with the applicants on this matter. In the light of these consultations I have drawn up an agreed proposal on this subject which is annexed to the present paper as Proposal "Q". Part 3 of the Voting Paper now submitted has been prepared to provide an opportunity for voting on this matter.

ANNEXE

SECTION 1 : *Drafts of Alternative Rulings in the event of the International Commission rejecting the name "Jumala" Friele, 1882, as a name calculated to give offence on religious grounds.*

Alternative "A"

(rejection of "*Beringius*" Dall, 1879, as not having been duly published)

(1) Under the Special Procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948, for use in the case of a name calculated to give offence on religious grounds, the under-mentioned generic name is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy : *Jumala Friele*, 1882 (Class Gastropoda).

(2) It is hereby ruled that the advance distribution in 1879 of copies of plates prepared to illustrate a paper by Dall (W.H.) on the Buccinidae in a projected but never published second volume of the work *Scientific Results of the Exploration of Alaska by the parties under the charge of W. H. Dall, during the years 1866—1874* did not constitute publication within the meaning of Article 25 of the *Règles*.

(3) The name *Beringius* Dall, 1879, which appeared on one of the plates referred to in (2) above accordingly possesses no status under the Law of Priority.

(4) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* : *Beringius* Dall, 1886 (gender : masculine) (type species, by monotypy : *Chrysodomus crebricostatus* Dall, 1877).

(5) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* : (a) *crebricostatus* Dall, 1877, as published in the combination *Chrysodomus crebricostatus* (specific name of type species of *Beringius* Dall, 1886) ; (b) *turtoni* Bean, 1834, as published in the combination *Fusus turtoni*.

(6) The under-mentioned generic names are hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—

- (a) *Jumala Friele*, 1882, as suppressed under (1) above ;
- (b) *Beringius Dall*, 1879, as rejected under (3) as not having been duly published.

(7) The under-mentioned entry is hereby made in the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* : Dall (W.H.), 1879, plates prepared to illustrate a paper on Buccinidae in a projected but never published second volume of the work *Scientific Results of the Exploration of Alaska by parties under the charge of W. H. Dall during the years 1866—1874* (plates distributed in 1879 but not published for the purposes of Article 25 of the *Règles*).

Alternative “ B ”

(validation of “ *Beringius* ” Dall, 1879, under the Plenary Powers)

- (1) (as in (1) in Alternative “ A ” (suppression of *Jumala Friele*, 1882, as a name calculated to give offence on religious grounds))
- (2) (as in (2) in Alternative “ A ” (rejection as not having been “ published ” of the plates prepared to illustrate the second volume of Dall’s *Scientific Results*))

(3) Under the Plenary Powers the generic name *Beringius Dall* (W.H.), 1879, as included in the legend to plate 2 of the plates referred to in (2) above is hereby validated.

(4) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology* : *Beringius Dall* (W.H.), 1879, as validated under the Plenary Powers under (3) above (gender : masculine) (type species, by monotypy : *Chrysodomus crebricostatus Dall* (W.H.), 1877).

(5) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* : (a) *crebricostatus Dall* (W.H.), 1877, as published in the combination *Chrysodomus crebricostatus* (specific name of type species of *Beringius Dall*, 1879) ; (b) *turtoni* Bean, 1834, as published in the combination *Fusus turtoni*.

(6) The under-mentioned generic names are placed on the *Official Index of Rejected and Invalid Generic Names in Zoology* :—

- (a) *Jumala Friele*, 1882, as suppressed under (1) above ;
- (b) *Beringius Dall*, 1886 (a junior homonym of *Beringius Dall*, 1879, as validated under the Plenary Powers under (3) above.)

- (7) (as in (7) in Alternative "A" (addition of an entry relating to Dall's plates to the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*)).

SECTION 2: *Draft of a Ruling in the event of the International Commission voting in favour of the acceptance of the name "Jumala" Friele, 1882, i.e. against the application submitted in the present case.*

(1) The request for the rejection of the generic name *Jumala* Friele, 1882 (Class Gastropoda) as a name calculated to give offence on religious grounds is hereby rejected.

- (2) (as in (2) in Alternative "A") (rejection as not having been "published" of the plates prepared to illustrate the second volume of Dall's *Scientific Results*)

(3) The under-mentioned generic name is hereby placed on the *Official List of Generic Names in Zoology*: *Jumala* Friele, 1882 (gender: masculine) (type species, by original designation: *Fusus turtoni* Bean, 1834).

(4) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology*:—

- (a) *turtoni* Bean, 1834, as published in the combination *Fusus turtoni* (specific name of type species of *Jumala* Friele, 1882);
- (b) *crebricostatus* Dall (W.H.), 1877, as published in the combination *Chrysodomus crebricostatus*.

(5) The under-mentioned generic name is hereby placed on the *Official Index of Rejected and Invalid Generic Names in Zoology*: *Beringius* Dall (W.H.), 1879 (a name which appeared on one of the plates rejected under (2) above as not having been published within the provisions of Article 25 of the *Règles*).

- (6) (as in (7) in Alternative "A" (addition of an entry relating to Dall's plates to the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*)).

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

17. **Issue of Voting Paper V.P.(56)15**: On 29th March, 1956 a Voting Paper (V.P.(56)15) was issued, in which the Members

of the Commission were invited to vote either for, or against, three independent but connected propositions. The propositions so submitted were as follows :—

VOTE No. 1

In this vote the members of the Commission were invited to vote either in favour of, or against the proposition that “ the use of the word ‘ Jumala ’ is calculated to give offence on religious grounds ”.

VOTE NO. 2

In this vote the members of the Commission were invited to vote affirmatively on one or other of the following mutually opposing alternatives regarding the priority to be accorded to the generic name *Beringius* Dall :—

“ Alternative ‘ A ’ (rejection of *Beringius* Dall, 1879, as not having been duly published and acceptance of *Beringius* as from Dall, 1886), as set out [as ‘ Alternative “ A ” ’] in Section 1 of the Annexe to the paper bearing the Number Z.N.(S.) 307 submitted by the Secretary simultaneously with the present Voting Paper [i.e. in the paper reproduced in paragraph 16 of the present *Opinion*]

or

Alternative ‘ B ’ (validation of *Beringius* as from Dall, 1879, under the Plenary Powers), as set out [as ‘ Alternative “ B ” ’] in the Annexe referred to above ”.

VOTE No. 3

In this vote those members of the Commission who had voted negatively on Vote No. 1 (i.e. who had voted against the rejection of the name *Jumala* Friele, 1882) were invited to “ vote in favour of the proposals supplementary thereto styled ‘ Proposal “ Q ” ’ in paragraph 12 of the paper

submitted by the Secretary simultaneously with the present Voting Paper and as set out in detail in Section 2 of the Annexe to that paper” [i.e. in Section 2 of the Annexe to the paper reproduced in paragraph 16 of the present *Opinion*].

18. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 29th June 1956.

19. Particulars of the Voting on Voting Paper V.P.(56)15 : At the close of the Prescribed Voting Period the state of the voting on the three votes submitted with Voting Paper V.P.(56)15 was as follows :—

(1) Particulars of the voting on Vote No. 1 in Voting Paper V.P.(56) 15 :—

(a) *Affirmative Votes had been given by the following thirteen (13) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Mayr ; Hering ; Sylvester-Bradley ;
Boschma ; Riley ; Lemche ; Dymond ; Hankó ;
Hemming ; Stoll ; Jaczewski ; Cabrera ;

(b) *Negative Votes, eleven (11) :*

Prantl ; Bodenheimer ; do Amaral ; Esaki ;
Vokes ; Tortonese ; Key ; Bonnet ; Miller ;
Kühnelt ; Mertens ;

(c) *On Leave of Absence, one (1) :*

Bradley (J.C.) ;

(d) *Voting Papers not returned :*

None.

(2) Particulars of the voting on Vote No. 2 in Voting Paper V.P.(56) 15

(a) *Votes had been given in favour of Alternative "A" (rejection of "Beringius" Dall, 1879) by the following eleven (11) Commissioners (arranged in the order in which Votes were received) :*

Mayr ; Hering ; Sylvester-Bradley ; Riley ;
Lemche ; Dymond ; Hankó ; Hemming ; Stoll ;
Jaczewski ; Cabrera ;

(b) *Votes had been given in favour of Alternative "B" (validation of "Beringius" as from Dall, 1879) by the following two (2) Commissioners :*

Holthuis ; Boschma ;

(3) Particulars of the voting on Vote No. 3 in Voting Paper V.P.(56)15

Of the eleven members of the Commission who voted against the rejection of the name *Jumala Friele* on Vote No. 1 in the present Voting Paper nine (9) voted affirmatively on Vote No. 3 and two (2) did not vote. Particulars are as follows :—

(a) *Affirmative Votes, nine (9) :*

Prantl ; do Amaral ; Esaki ; Vokes ; Tortonese ;
Key ; Bonnet ; Miller ; Mertens ;

(b) *Vote No. 3 not completed, two (2) :*

Bodenheimer ; Kühnelt.

20. Declaration of Result of Votes on Voting Paper V.P.(56)15 :
On 30th June 1956 Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Votes taken on

Voting Paper V.P.(56)15, signed a Certificate that the votes cast were as set out in paragraph 19 above and declaring that (a) the proposal submitted with Vote No. 1 in the foregoing Voting Paper and (b) the proposal submitted as "Alternative 'A'" with Vote No. 2 in the said Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

21. Preparation of the Ruling given in the present "Opinion" :
On 23rd January 1956 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposals approved by the International Commission in the Votes severally taken by it on Voting Paper V.P.(56)15.

22. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

Beringius Dall, 1879, a name engraved on the legend of plate 2 of a series of unpublished plates (a) designed for a projected but never published second volume of the work entitled *Scientific Results of the Exploration of Alaska by the parties under the charge of W. H. Dall during the years 1866—1874*, and (b) distributed privately by the author in 1879

Beringius Dall, 1886, *Proc. U.S. nat. Mus.* **9** : 304

crebricostatus, *Chrysodomus*, Dall, 1877, *Prelim. Descr. new Species Mollusks Northwest Coast Amer.* : 1

Jumala Friele, 1882, *Norske Nordhavs-Exp. Zool.* **4**(8) : 4, 6

turtoni, *Fusus*, Bean, 1834, *Mag. nat. Hist.* **7** : 493

23. Family-Group-Name Aspects : As explained in paragraph 11 of the paper by the Secretary submitted to the Commission simultaneously with Voting Paper V.P.(56)15 [i.e. in the paragraph numbered as above in the paper reproduced in paragraph 16 of the present *Opinion*], Dr. A. Myra Keen (*Stanford University*,

Stanford, California, U.S.A.), one of the specialists by whom an application was submitted in the present case, has informed the Office of the Commission (*in litt.*, 12th March 1956) that neither the generic names involved in this case has been taken as the base for a family-group name. Dr. Keen added that the taxon represented by these nominal genera is currently placed in the family NEPTUNEIDAE, though by earlier authors (including Dall) it was placed in the family BUCCINIDAE. Accordingly, no family-group-name problem arises in the present case.

24. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

25. The present *Opinion* shall be known as *Opinion* Four Hundred and Sixty-Nine (469) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-Third day of January, Nineteen Hundred and Fifty-Seven.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING